APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,545	11/15/2001	Bruno Deltour	216112US2	7361

			EXAMINER
22850	7590	08/21/2006	DEAN, RAYMOND S

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ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/987,545	Applicant(s) DELTOUR ET AL.	
	Examiner Raymond S. Dean	Art Unit 2618	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>03 August 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

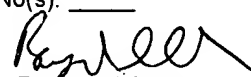   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: *None*.

    Claim(s) objected to: *None*.

    Claim(s) rejected: *1 - 11*.

    Claim(s) withdrawn from consideration: *None*.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

Raymond S. Dean
August 11, 2006
571-272-7877

U.S. Patent and Trademark Office
PTOL-303 (Rev. 7-05)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 20060811

Continuation of 11. does NOT place the application in condition for allowance because:

Response To Applicant's assertion on Page 2 of the Remarks "Thus assuming arguendo that the outstanding Office Action ...".

The synchronization word of Borth is a modification of the frame structure of Kroon in view of McGibney, in other words, the synchronization technique of Borth is used in addition to the synchronization technique of Kroon in view of McGibney thereby providing an alternative synchronization means. The combination of Kroon, McGibney, and Borth provide a system with two synchronization techniques with one of said synchronization techniques i.e. the technique in Borth, enabling transmission over radio channels at transmission rates in excess over those normally allowed by the multipath characteristics of the RF channel, which is the motivation for modifying Kroon and McGibney with Borth. The use of the two synchronization techniques provides an alternative means for synchronization thereby allowing for transmission over radio channels at transmission rates in excess over those normally allowed by the multipath characteristics of the RF channel.

Examiner respectfully disagrees with Applicants' assertion on Page 3, 5th Paragraph of the Remarks "The outstanding Office Action and Borth do not establish that Borth's synchronization ...". The synchronization scheme of Borth enables adaptive equalization thus accomodating multiple users experiencing different multipath channel characteristics. The synchronization scheme also enables higher data throughput thus allowing for the transmission over radio channels at transmission rates in excess over those normally allowed by the multipath characteristics of the RF channel.
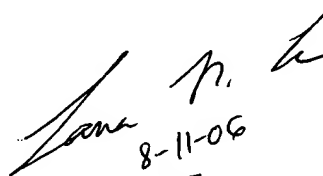
Examiner respectfullly disagrees with Applicant's assertion on Page 4, 2nd Paragraph "For McGibney to include synchronization information in each ...". The modification of the McGibney system with the scheme of Borth renders a system where the synchronization information is in the synchronization slot thus the basic principle of operation will remain the same.

Response To Applicant's assertion on Page 5, 1st Paragraph of the Remarks "The outstanding Office Action then sets forth the unsupported statement ...".

Examiner is simply stating that the time slots in typical TDMA systems comprise guard bits (See Online Summary of a document by David Faulkner http://swig.stanford.edu/pub/summaries/wireless/tdma_pcs.html), in other words, the guard bits are an inherent characteristic in the TDMA system of McGibney.

Response to Applicant's assertion on Page 5, 2nd Paragraph of the Remarks "Furthermore, Borth discloses that a guard time filed ...".

The guard time is going to contain time information (See Borth Column 7 line 58) thus the guard time equates to information..

8-11-06

LANA LE
PRIMARY EXAMINER